

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 36

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 26 2004

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL JAMES LIBERATORE,
BARRY JAY THALER, PAUL F. PELKA,
EDWARD J. CONLON and JON SHELDON PROKOP

Appeal No. 2004-0020
Application No. 09/183,479

ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge,
WILLIAM F. SMITH and NASE, Administrative Patent Judges.

PER CURIAM

On April 8, 2004, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional

Appeal No. 2004-0020
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Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000) and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dis-
missed.

The application is being returned to the examiner for further action as may be appropriate.


GARY V. HARKCOM
Acting Chief Administrative Patent Judge


WILLIAM F. SMITH
Administrative Patent Judge


JEFFREY V. NASE
Administrative Patent Judge

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